

### **REMARKS**

This paper is submitted in response to the final Office Action mailed on October 20, 2006 and is being submitted with a Request for Continued Examination. Claims 1 and 15 have been amended. Claims 1-9, 15 and 16 remain pending in the application. In view of the foregoing amendments, as well as the following remarks, Applicants respectfully submit that this application is in complete condition for allowance and request reconsideration of the application in this regard.

#### **Personal Interview**

Applicants' counsel appreciates the courtesy extended by Examiner and Supervisory Patent Examiner during the personal interview conducted on January 26, 2007. During that interview, differences between the claimed subject matter and the teachings of U.S. Patent No. 6,050,997 to Mullane ("Mullane") were discussed in reference to the arguments made in Applicants' August 2, 2006 and December 20, 2006 responses. The distinction that was discussed was that Mullane taught a connector secured to a bone anchoring assembly through a threaded connection that required a rotational torque, while claim 1 of the present application specifically recited a "a non-rotational, linear force." The Examiner indicated that he was interpreting claim 1 as the end process of implementing a linear, non-rotational force, i.e., even a threaded connection once connected applied a linear, non-rotational force. The Examiner suggested amending the claim to clarify that the linear, non-rotational force defined part of the process to engage the fastener about the linking member. Applicant has amended independent claim 1 in the manner suggested by the Examiner discussed

during the interview.

Claims 1-2, 9, 15 and 16, of which claims 1 and 15 are independent, stand rejected under 35 U.S.C. § 102(b) as being anticipated by Mullane. Independent claim 1 has been amended to more clearly define around Mullane. In particular, claim 1 has been amended in the manner suggested by the Examiner during the interview to make clear that a linear, non-rotational force is applied to effectuate a coupling between the fastener and the linking member, and is not the end process of the connection between the fastener and the linking member. To this end, claim 1 has been amended to recite "whereby a non-rotational, linear force is applied to said linear fastener to effectuate a coupling of said fastener about said linking member first end." Applicants believe that amended independent claim 1 is in accord with the discussions during the interview and make clear that the linear, non-rotational force is applied to couple the fastener to the linking member and not the end result of the coupling process. Accordingly, for at least the reasons provided above, as well as the reasons in the previous responses, Applicants respectfully submit that Mullane fails to teach or suggest the combination of elements recited in independent claim 1 and the claim is allowable.

Moreover, as claims 2-9 depend from allowable claim 1 and further as each of these claims recites a combination of elements not taught or suggested by Mullane, Applicants respectfully submit that these claims are allowable as well.

Moreover, independent claim 15 has been amended in the same manner as independent claim 1, i.e., claim 15 recites "whereby a non-rotational, linear force is applied to said linear fastener to effectuate a coupling of said fastener about said linking

member first end." Thus, for the reasons provided above in regard to claim 1, Applicants respectfully submit that claim 15 is allowable. As claim 16 depends from allowable claim 15, Applicants further submit that this claim is allowable as well.

### **Conclusion**

In view of the foregoing remarks, this application is submitted to be in complete condition for allowance and early notice to this affect is earnestly solicited. If the Examiner believes any matter requires further discussion, the Examiner is respectfully invited to telephone the undersigned attorney so that the matter may be promptly resolved.

Applicants do not believe that any fees are due in connection with this response other than a one-month extension fee and the fee for the Request for Continued Examination. However, if such petition is due or any fees are necessary, the Commissioner may consider this to be a request for such and charge any necessary fees to deposit account 23-3000.

Respectfully submitted,  
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